Ibn Ḥazm
on the lawfulness of women attending prayers in the mosque

presented
translated
& annotated
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A wife of ʿUmar ibn al-Khaṭṭāb used to go to the mosque for the prayers of *fajr* and *ʿishā'*. It was said to her: Why do you go out when you know that ʿUmar does not like that, and he feels jealous? She said: So what stops him from forbidding me? It was said to her: What stops him is the saying of the Messenger of God, upon him be peace, 'Do not stop the women servants of God from the mosques of God.'

(Ṣaḥīḥ al-Bukhārī)[1]

Sālim ibn ʿAbdullāh ibn ʿUmar informed (us) that ʿAbdullāh ibn ʿUmar said: I heard the Messenger of God, upon him be peace, say: 'Do not stop your women from the mosques when they ask your permission to go there.' His son Bilāl said to him: By God, we certainly will stop them! Then ʿAbdullāh ibn ʿUmar turned to him, abused him with the most vehement abuse – I have never heard him abusing (anyone) like that – and said: I am informing (you of something) from the Messenger of God, upon him be peace, and you say: By God we certainly will stop them?!

(Ṣaḥīḥ Muslim)[1]

1 For full references to these ḥadīths, see below, p. 28 n. 1, and p. 16 nn. 1 and 2.

Preface

Many questions are asked in our time about the rights of women, and the evident injustices in Islamic societies of arrangements that claim to rest on the authority of the religion. For sure, some of these questions (especially, the manners with which they are asked) derive from perspectives that are aggressively 'modern' – that is, hostile to religion generally and to Islam most of all. But it is also true that the same questions can be asked from within self-consciously 'traditional' perspectives, on behalf of the religion, on behalf of its commitment to justice. If that is the case, and it is, we should expect these questions to have been raised from within the boundaries of traditional Islamic scholarship. One such question concerns the right of women to attend the congregational prayers in the mosques, and what right (if any) others have to forbid them.

I had long been aware of Ibn Ḥazm's discussion of this issue in his *Muḥallā*, and its scrupulous, balanced account of the Prophetic and Companion traditions by which it should be resolved. However, it was not until recently, while I was teaching a course on the *Muḥallā* (organized by Cambridge Islamic College, in Queen Mary College, London), that I realized how pressing and important this matter is. It was then that I learnt that, here in the UK, it is not unusual even for Muslim women who are travelling, that is, away from home and in need of a place to do their obligatory prayers, to make their way to a mosque, only to find that they are refused entry. On some occasions, moreover, this refusal was expressed roughly, without sympathy for the need of the women to do their prayers, nor any offer to guide them to some other place where they might pray. In light of such reports, and of the positive response from the students (the men no less than

the women) to Ibn Ḥazm's argument on the issue, I felt it would be useful to present it in English for the wider public. In it, the following questions are asked (and, after the weighing of evidence, answered) by Ibn Ḥazm:

Is it lawful for women to attend congregational prayers in mosques? (Yes.)
Is it lawful for others to forbid this if, for some private or public reason, they happen to dislike it or disapprove of it? (No.)
Is the effort of attending the prayers with the congregation in the mosque more worthy for men than women? (No, it is the same.)
Is it lawful only for elderly women to attend the congregational prayers in the mosques? (No, it is equally lawful for old or young, men or women.)

My notes to the translation of Ibn Ḥazm's text provide references to the ḥadīths that he quotes or mentions, with comments on their status as sound or otherwise. Where relevant and useful, the notes also give a brief account of differences of scholarly opinion.

The religious and legal authority of an opinion depends, by consensus of Muslims of all schools, on how securely it is based on the Qur'ān and authenticated Sunnah of God's Messenger, upon him be peace, and how the teachings in these two sources were understood and demonstrated in the practice of the first-comers to Islam, the Companions and their Followers.

God knows best the strength of individual or collective fears, so ingrained in human hearts and habits, which serve as 'necessities' to excuse disobedience to the commands of the religion. So there is a need for flexibility and forbearance with the real-life conditions in particular local communities and local situations. But that flexibility should not deter Muslims, men and women alike, from affirming the norms that have the authority of Qur'ān and Sunnah. Even if those norms cannot be implemented, even if they can only be affirmed within a small circle, it is the religious duty of those inside that circle to make others also aware and, to the extent God has willed, strive with good patience and steadfast civility for their wider acceptance.

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Introduction

The man, his works and their reputation

ʿAlī ibn Aḥmad ibn Saʿīd ibn Ḥazm (384–456/994–1064),[1] was a leading advocate of the doctrines and method of the Ẓāhirī school, and a great *mujtahid* imām of al-Andalus (modern Spain). Therefore, the titles al-Ẓahirī and al-Andalūsī are often added to his name. He was born in Cordoba, where his father was chief vizier at the Umayyad court. The scholarly reputation and social standing of his family undoubtedly influenced Ibn Ḥazm in his upbringing and education, and opened doors for him, so that he was soon able to excel in the different sciences of his age.

He studied Arabic language and literature, logic and philosophy, as well as the traditional Islamic disciplines of ḥadīth and *fiqh*, under the great masters of the time in Spain. After early completion of his formal education, he too served for a short period in the royal court. However, he soon retired from political office and devoted himself entirely to study, writing and teaching. His vast knowledge of the Islamic sources and a penetrating curiosity and intelligence raised him to the rank of *ijtihād* in ḥadīth and *fiqh*.

For a time he adhered to the Shāfiʿī school of law, until his *ijtihād* led him to reject all types of *qiyās* and *rāʾy*, and to adopt the method of the Ẓāhirīs. He is now acclaimed as the intellectual champion of the Ẓāhirī school, and his writings are treated as the main source of its doctrines, methods and arguments.

1 These biographical notes on Ibn Ḥazm are based on al-Dhahabī, *Siyar aʿlām al-nubalāʾ*, 18/184–212, *Tadhkirat al-ḥuffāẓ*, 3/1146–55, *Tārīkh al-islām*, parts 451–60; Ibn Khallikān, *Wafayāt al-aʿyān*, 3/325–30; Ibn Ḥajar, *Lisān al-mīzān*, 4/198–202; and Muḥammad Abū Zahrah, *Ibn Ḥazm: fiqhuhū wa-ārāʾuhū*.

According to his son al-Faḍl, Ibn Ḥazm produced some 80,000 pages of writing, consisting of 400 works on ḥadīth, *fiqh*, language, logic, philosophy, theology, history and poetry. Among his most important works are: *Kitāb al-Khiṣāl al-ḥāfiẓ li-jumal sharāʾiʿ al-islām* and a commentary on it, *K. al-Īṣl ilā fahm k. al-Khiṣāl*; *al-Mujallā* and the commentary on it, *K. al-Muḥallā fī sharḥ al-Mujallā bi-l-ḥujaj wa-l-āthār*; *K. al-Āthār al-latī ẓāhiruhā al-taʿāruḍ wa-nafy al-tanāquḍ ʿanhā*; *K. al-Jāmiʿ fī ṣaḥīḥ al-ḥadīth*, *K. al-Imlāʾ fī sharḥ al-Muwaṭṭāʾ*; *K. al-Imlāʾ fī qawāʿid al-fiqh*; *K. Durr al-qawāʿid fī fiqh al-ẓāhirīyyah*; *K. al-Iḥkām fī uṣūl al-aḥkām*; and *al-Fiṣal fī al-milal wa-l-niḥal*.

The great Islamic scholars after him paid tribute to him and acknowledged his excellence. Al-Ghazālī (d. 505/1111) said of him: 'I found a book on the names of God, Exalted is He, written by Abū Muḥammad ibn Ḥazm al-Andalusī, which is evidence of his great expertise, and the fluency of his mind.'[1]

Abū l-Qāsim Ṣāʿid ibn Aḥmad (d. 462/1070) said: 'Ibn Ḥazm was, among all the people of al-Andalus, the most comprehensive in the sciences of Islam, the widest among them in knowledge, beside his mastery of linguistics, his full share in eloquence and poetry, and his knowledge of history and biographies.'[2]

Abū ʿAbdillāh al-Ḥumaydī (d. 488/1095) said: 'Ibn Ḥazm was an expert of ḥadīth and *fiqh* of ḥadīth, deriving the rulings from the Book and the Sunnah, having a share in many sciences, and acting upon his knowledge. We have not seen his like in what came together for him of intelligence, sharp memory, generosity of soul and religiosity. He was great of breath and large of hand in literature and poetry. I have not seen anyone compose poetry ex tempore more quickly than him. His poems are abundant.'[3]

The Ẓāhirī school is named after Abu Sulaymān Dāwūd ibn ʿAlī ibn Khalaf al-Ẓāhirī (201–270/816–884).[4] It is known for its insistence on sticking to the *ẓāhir* or outward sense of expressions in the Qurʾān and ḥadīth texts, and rejection of *qiyās*, *istiḥsān* and the other methods,

1 Ibn Ḥajar, *Lisān al-Mīzān*, 4/201; al-Dhahabī, *Siyar aʿlām al-nubalāʾ*, 18/187.

2 Cited in al-Dhahabī, *Siyar aʿlām al-nubalāʾ*, 18/187; Ibn Ḥajar, *Lisān al-Mīzān*, 4/199.

3 al-Dhahabī, *Siyar aʿlām al-nubalāʾ*, 18/187–8.

4 See al-Dhahabī, *Siyar aʿlām al-nubalāʾ*, 13/97–109 for notes on his life.

sanctioned by most jurists of the other schools, for the derivation of *fiqh*. The Ẓāhirīs do recognize *ijmāᶜ* (consensus) as a source for rulings, but restrict this consensus to the generation of the Companions.

Ibn Ḥazm was very strict in following the principles of his school. He would start his arguments with the Qurʾān, then look to the ḥadīth. He accepted only sound Prophetic ḥadīths, and rejected any that had been judged weak or disconnected. He said: 'No proof is established by *mawqūf*[1] and *mursal*,[2] nor by anything that is narrated by only those whose religion and memory are not reliable.'[3]

Any opinion of a Companion or a Follower or anyone after them is not, by itself, a proof for him. He said: 'It is not permissible to leave what has come in the Qurʾān, or has been reported from the Messenger of God, upon him be peace, in a sound narration for the sake of the opinion of a Companion or any one (else).'[4] 'Anyone who abandons the Qurʾān or what has come as sound from the Messenger of God, upon him be peace, for the sake of a Companion or anyone other than him, whether he is the narrator of that report or someone else is, he has surely abandoned what God, Exalted is He, commanded (us) to follow, in favour of the opinion of those, obedience to whom and following whom, God, Exalted is He, never commanded. And (doing) this is opposing the command of God, Exalted is He.'[5]

The only *ijmāᶜ* that counts for Ibn Ḥazm is the *ijmāᶜ* of the Companions. He rejects the idea of adhering to the practice of a city, in the way that some Malikīs claimed to adhere to the practice of Madīnah. He is against any kind of *qiyās*, and he is very harsh in criticizing and refuting all those who adhere to *qiyās*, *rāʾy*, *istiḥsān*, and *maṣlaḥah*. He is very clear that on each and every point of difference, people have no choice but to refer to the Qurʾān and Sunnah. He says: 'The obligation is, whenever people differ or anyone disputes

1 A ḥadīth that 'stops' at a Companion, and has not been traced back to the Prophet himself, upon him be peace.

2 A ḥadīth from a Follower who narrates it directly from the Prophet, upon him be peace, without identifying the link (i.e., the Companion) between himself and the Prophet.

3 *al-Muḥallā*, 1/51.

4 *al-Muḥallā*, 1/51.

5 *al-Muḥallā*, 1/52.

an issue, to refer to the Qurʾān and the Sunnah of the Messenger of God, upon him be peace, not to anything else other than them. And it is not permissible to refer to the practice of the people of Madīnah or other than them.'[1]

Besides explaining his own opinions and arguments properly, Ibn Ḥazm is also scrupulous in presenting the opinions of others. He quotes the arguments of the jurists among the Companions and Followers, then those of Abū Ḥanīfah, Mālik, al-Shāfiʿī and others, and discusses and evaluates them in detail. However, his manner when criticizing other scholars can be harsh. Abū l-ʿAbbās ibn al-ʿArīf said: 'The tongue of Ibn Ḥazm and the sword of al-Ḥajjāj ibn Yūsuf[2] are twins. This is one of the reasons that the followers of the Ḥanafī and Mālikī *madhhab*s held themselves aloof from him and therefore did not benefit much from him.'[3]

This harshness may be attributed in part to his literary talents, including a talent for sarcasm, which he sometimes over-indulged. It is also attributable in part to his life circumstances: he was persecuted, even imprisoned, for political reasons and for his juristic arguments, his Mālikī enemies being particularly intolerant of him. He felt this intolerance keenly and wished he had been born in the east of the Islamic world, where he thought his work would have been more fairly judged. He wrote: 'I am a sun rising in the sky of the sciences, but my fault is that my place of rising is in the West. Had I risen from the East, there would have been crowds flocking to pick up what (here) is wasted of my *dhikr* (i.e. my name and fame).'"[4]

But Ibn Ḥazm's lapses into sarcasm are not, and should not be, any hindrance to recognizing the honesty and integrity of the evidence he presents and his reasoning with it. Most striking of all is his love for the Prophet, upon him be peace, and his advocacy of strict adherence

1 *al-Muḥallā*, 1/55.

2 al-Ḥajjāj ibn Yūsuf (d. 95/714), fiercely pro-Umayyad governor of Iraq, noted for draconian efficiency as a military administrator, and depicted as brutally ruthless in the accounts of his contemporaries, and then in the histories written down later.

3 Abū l-ʿAbbās ibn al-ʿArīf (d. 536/1141), Andalusian Sufi, and the author of *Maḥāsin al-majālis*. His opinion is cited in al-Dhahabī, *Siyar aʿlām al-nubalāʾ*, 18/199.

4 Cited in al-Dhahabī, *Siyar aʿlām al-nubalāʾ*, 18/208.

to the Sunnah. All Muslims can admire him for this love, because it is something that is praised in the Qurʾān, in the Sunnah, and in the sayings of the Companions, as also the sayings of all the imāms of *fiqh* and ḥadīth like Abū Ḥanīfah, Mālik, al-Shāfiʿī and Aḥmad ibn Ḥanbal.

Summary of Ibn Ḥazm's argument on the lawfulness of women attending prayers in the mosques

The text presented here in translation is from the *Muḥallāh*. This work has been studied and admired, not just in the Ẓāhirī school, but by great scholars associated with the other Sunnī *madhhabs*. Shaykh ʿIzz al-Dīn ibn ʿAbd al-Salām (d. 660/1262) said: 'I have not seen among the books of Islam anything in the knowledge like *al-Muḥallā* of Ibn Ḥazm, and *K. al-Mughnī* of Shaykh Muwaffaq al-Dīn ibn Qudāmah.'[1]

Ibn Ḥazm's argument is that there are well-known ḥadīths that encourage women to attend the prayers in the mosque, and ḥadīths which clearly forbid men to stop women from doing so. Moreover, these ḥadīths are plentiful and sound *(ṣaḥīḥ)* by consensus of the experts in ḥadīth scholarship. They are recorded with several chains of narrations in the two *Ṣaḥīḥ*s (al-Bukhārī and Muslim), as well in the other major compilations. What is found in these texts is further supported by what is known of the practice during the time of the Prophet, upon him be peace, the time of the rightly guided caliphs and the generations after them. Neither the Prophet nor his Companions stopped or discouraged women from going to the mosques to attend the congregational prayers.

Ibn Ḥazm also mentions the opinion that it may be permissible for elderly women to go to the mosques, but not for young women. He says there is no evidence for this opinion, having already cited the texts that, to the contrary, establish the right of all Muslims, men and women, young and old alike, to attend the congregational prayers of the Muslims. Interrupting one's routine to go to the mosque entails effort; this effort is recommended for all Muslims alike, and it is rewarding for all Muslims alike. His evidence for this is that the ḥadīths of the Prophet, upon him be peace, on the merits of prayer in congregation do not make any distinction between men and women.

1 Cited in al-Dhahabī, *Siyar aʿlām al-nubalāʾ*, 18/193.

As for those ḥadīths that people refer to when arguing that it is better for women to do their prayers at home, Ibn Ḥazm observes, rightly, that these ḥadīths (with one possible exception) are all weak or fabricated: none of them are recorded in the *Ṣaḥīḥ*s of al-Bukhārī and Muslim, nor in the *Muwaṭṭā* of Imām Mālik, nor with a sound chain of narration in any compilation of the ḥadīth. Ibn Ḥazm takes care to present the reasons for considering these ḥadīths to be weak, reasons also found in the ḥadīth critique of other experts.

Among the sound reports, mentioned by Ibn Ḥazm, that forbid men to stop women attending prayers in the mosque, two are particularly affecting. One concerns ʿUmar ibn al-Khaṭṭāb, the second caliph and perhaps the greatest ruler in Islamic history. He did not like one of his wives going out to the mosque for the dawn and night prayers because it made him feel jealous. She knew *that* he did not like it, and *why* he did not. Even so, she continued to go, and he never forbade her to go. It was impossible for ʿUmar knowingly to flout a command of the Prophet, upon him be peace. The other report concerns ʿUmar's son ʿAbdullāh, who informed his own sons of that command of the Prophet. One of them, Bilāl, said that husbands (himself included) most certainly would, nevertheless, forbid their wives to go out to the mosques. ʿAbdullāh ibn ʿUmar became mightily enraged with him and berated him for rejecting the *sunnah* of the Prophet.

The only sound ḥadīth that has been used to suggest that it is better for women not to go to the mosques but, instead, to pray at home, is reported from ʿĀ'ishah. In it she says that, if the Prophet, upon him be peace, had seen the 'new thing' that women have begun doing, he would have stopped them from going to the mosque. Ibn Ḥazm discusses this at length in order to try and understand if its wording can really be understood to mean that women should (now) be stopped from attending the prayers in the mosques. Can a hypothetical condition (if this had happened, then this would have happened) be the basis for a legal judgement, he asks, especially on a matter so central to the everyday life of the believers? He wonders also what this 'new thing' might be that had so upset ʿĀ'ishah. He asks why, if misdeeds (such as fornication) that happened during the Prophet's lifetime and for which he ordered punishment, did not lead him to forbid women to come to

the mosque, why should this 'new thing' (and we do not know what this is or was) be the basis for changing a ruling of the Prophet, upon him be peace?

Ibn Ḥazm develops other arguments to the effect that this ḥadīth is an expression of ʿĀʾishah's frustration with behaviour that she had observed spreading. (It sounds less like a legal judgement than a remark on the lines of 'If your elders could see you now, they would be so disappointed with you that...'.) Most tellingly, Ibn Ḥazm points out: we may never know what the 'new thing' was, but we do know that ʿĀʾishah never forbade any woman from going to the mosque or anywhere else, nor did she forbid herself from going to the mosque. It becomes then very difficult to understand the ḥadīth as forbidding women from attending the prayers in the mosques. Ibn Ḥazm concludes that he prefers to follow the example and practice of ʿĀʾishah.

The importance of following the sunnah on this matter

In certain circumstances, and for the duration of those circumstances, Muslims might advise that women should do the obligatory prayers at home rather than the mosque. This can be accepted as a desirable flexibility with norms and rules, so as to deal with localized necessities that cannot be coped with otherwise. But if the departure from the Prophetic *sunnah* persists and replaces that *sunnah* with some other, then it is certain that the harm that must come to the community from rejecting the instruction of the Prophet, upon him be peace, will indeed befall. A part of that harm is that it becomes very difficult to go back to the original *sunnah*. In some Muslim societies of our day, perhaps in most, it is the established norm that women do not go to the mosques. Not doing so is what is expected of them by others and by themselves. If women become mindful that they (like the men) should in fact make the effort to go to the mosques, and they do so, it is regarded as 'forward', 'aggressive', even 'impious'. This is an individual and collective injustice, and a deeply personal injury to the dignity of believing women. And that is only a part of the harm.

The greater harm is loss of the good that flows from doing the obligatory prayers in congregation in the mosque. It is no fault for

women, as it is for men, if they do not go to the mosque, since it is not obligatory on them. Even so, it is equally commended to both and equally rewarded for all who make the effort. When we do *wuḍūʾ* it brings us the good of refreshing and re-orienting our attention, making us ready for the prayer. The effort of leaving our houses or work-places in order to pray in the mosque is a continuation and deepening of that. It is like a miniature *hijrah*, a distinctly willed and deliberate shift of perspective. Every stride toward the mosque is rewarded. This little journey can have a profound impact on the quality of both intention and attention during the prayer. It declares the public, collective commitment to the institution of *ṣalāh*. It helps to convince us that we are each capable of leaving our private spaces and separate concerns to join in the giving and receiving of mutual encouragement to the good. That strengthens our potential for the realization of other common goods. Being in the mosque enables the people of the locality to exchange goodwill face to face, to learn who is doing well and who may be in want of assistance, and to give and receive knowledge. Women have the same need as men to build and maintain local relationships, and to give and receive knowledge. That men and women both do both these things visibly is a necessary part of the nurture of the young. And it is always good to remember that, if women had not attended the Prophet's gatherings in his mosque, we would be deprived of many ḥadīths that have only come to us because women heard them from him and then preserved them for the benefit of the community.

In sum, praying with others in the mosque multiplies the benefits of prayer many times over, just as the Prophet said. The way back to this *sunnah* is not closed, and *in shāʾa Allāh*, we may recover it through patient education of ourselves and of those willing to listen.

Ibn Ḥazm's argument[1]

[Women attending prayers in the mosques]

(318) *Masʾalah* (the issue discussed): If the women attend the prayer along with the men, it is good, because of what has come in the sound *(ṣaḥīḥ)* narration, that they used to attend prayers with the Messenger of God, upon him be peace, and he knew that.[2]

[Women praying in a congregation of only women]

(319) *Masʾalah*: And if women (not in the mosque but with other women) pray in congregation, and one of them leads the prayer, it is

1 *al-Muḥallā*, 1/126–40. To facilitate comparison with the Arabic, the numbering of the *masāʾil* (issues discussed) here reproduces that of the original; its page numbers are shown in square brackets like this: [127]. The subject headings have been added by the translator and are likewise shown in square brackets.

2 Ibn Ḥazm mentions some of the very numerous reports on this found in the books of ḥadīth, *sīrah* and Islamic history. A few of these ḥadīths should suffice to establish the fact that women attended the mosque prayers led by the Prophet. For example: Abū Qatādah narrates from the Prophet, upon him be peace, that he said: 'I stand in the prayer intending to lengthen it, then I hear the cry of a baby, and I shorten my prayer, because I do not like to make it hard on his mother.' Anas narrates, saying: 'I have never prayed behind any imām whose prayer is lighter and more complete than the Prophet, upon him be peace. He would hear the cry of a baby, then he would make the prayer lighter, for fear that his mother will be distressed.' (al-Bukhārī, *al-Adhān*, b. *man akhaffa al-ṣalāta ʿinda bukāʾ al-ṣabiyy*). ʿĀʾishah narrates that once the Messenger of God, upon him be peace, became late for the *ʿishāʾ* prayer until ʿUmar called him, saying: 'The women and children (waiting for the prayer) have fallen asleep...' (al-Bukhārī, *Mawāqīt al-ṣalāh*, b. *faḍl al-ʿishāʾ*, b. *al-nawm qabl al-ʿishāʾ li-man ghuliba*; *al-Adhān*, b. *wuḍūʾ al-ṣibyān...*, b. *khurūj al-nisāʾ ilā l-masājid bi-l-layl wa-l-ghalas*). Sahl ibn Saʿd al-Sāʿidī narrates that the Prophet, upon him be peace, said to the women: 'Do not lift your heads (from prostration) until the men are sitting up properly.' (al-Bukhārī, *al-Ṣalāh*, b. *idhā kāna al-thawbu ḍayyiqan*; *al-Adhān*, b. *ʿaqd al-thiyāb wa-shaddihā...*).

still good, because there has not come any text (from the Qurʾān and Sunnah) prohibiting them from that. And the women do not void *(yaqṭaʿu)* each other's prayer,[1] because of the saying of the Messenger of God, upon him be peace: "The best rows of the women are the last ones."[2]

It has been transmitted to us *(rnwwīnā/rawaynā)* from the route *(ṭarīq)* ʿAbd al-Raḥmān ibn Mahdī from Sufyān al-Thawrī from Maysarah ibn Ḥabīb al-Nahdī, he is Abū Khāzim, from Rayṭah al-Ḥanafīyyah, that ʿĀʾishah the mother of the believers led (the women) in the *farḍ* prayer.[3]

And (it has been transmitted to us), from Yaḥyā ibn Saʿīd al-Qaṭṭān from Ziyād ibn Lāḥiq from Tamīmah bint Salamah from ʿĀʾishah the mother of the believers, that she led some women in the *farḍ* of the *maghrib* prayer, and she stood in the middle of them, and she recited the Qurʾān aloud.[4]

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1 According to Ẓāhirī jurists and some jurists of other schools, if a woman passes in front of a man in prayer in such a way that he is distracted, his prayer becomes void. Here, Ibn Ḥazm wants to clarify that this does not apply if a woman passes in front of another woman who is in prayer. His reasoning is that, according to the ḥadīth being cited, the women's best row is the last row. So when women join the prayer behind the imām they form their row at the point furthest from the imām; those who come later make the next row in front of that row, and so on. This implies that women's passing in front of other women in prayer does not void their prayer. (This rule only applies when men and women are praying in the same open space. If the space for women is separated from the space for men by a barrier, the women should make their first row nearest to that barrier, other rows being formed behind them.)

2 Muslim, *al-Ṣalāh*, b. *taswiyat al-ṣufūf wa-iqāmatihā*; Abū Dāwūd, *al-Ṣalāh*, b. *ṣaff al-nisāʾ wa-karāhiyat al-taʾakhkhur ʿan al-ṣaff al-awwal*; al-Tirmidhī, *al-Ṣalāh*, b. *mā jāʾa fī faḍl al-saff al-awwal*; al-Nasaʾī, *al-Imāmah*, b. *dhikr khayr ṣufūf al-nisāʾ wa-sharr ṣufūf al-rijāl*; Ibn Mājah, *Iqāmat al-ṣalāh*, b. *ṣufūf al-nisāʾ*.

3 ʿAbd al-Razzāq, *al-Muṣannaf*, *al-Ṣalāh*, b. *al-marʾah taʾummu al-nisāʾ*; Ibn Abī Shaybah, *al-Muṣannaf*, *al-Ṣalāh*, *al-marʾah taʾummu al-nisāʾ*; al-Bayhaqī, *al-Sunan al-kubrā*, *al-Ṣalāh*, b. *al-marʾah taʾummu al-nisāʾ fa-taqūmu wasaṭahunna*.

4 al-Bayhaqī, *al-Sunan al-kubrā*, *al-Ṣalāh*, *jimāʿ abwāb al-mawāqīt*, b. *karāhiyat taʾkhīr ṣalāt al-ʿaṣr*. There are also many reports from ʿĀʾishah that she used to lead the women in the prayer; these are mentioned in *al-Muṣannaf* of ʿAbd al-Razzāq, *al-Muṣannaf* of Ibn Abī Shaybah, in *al-Sunan al-kubrā* of al-Bayhaqī, and other sources.

The editor, Shaykh Muḥammad Aḥmad Shākir was unable to identify Ziyād ibn Lāḥiq and Tamīmah bint Salamah. However, in al-Bayhaqī, *al-Sunan al-kubrā*, both narrators are mentioned with the same names.

[127] And (it has been transmitted to us), from ʿAbd al-Razzāq from Sufyān al-Thawrī[1] from ʿAmmār al-Duhnī from Ḥujayrah bint Ḥuṣayn, that she said: Umm Salamah the mother of the believers led us in the *ʿaṣr* prayer, and she stood in the middle of us.[2]

And (it has been transmitted to us), from Yaḥyā ibn Saʿīd al-Qaṭṭān, from Saʿīd ibn Abī ʿArūbah, from Qatādah, from the mother of al-Ḥasan ibn Abī al-Ḥasan, she is Khayrah, it is her name, she is reliable and well-known; she narrated to them that Umm Salamah the mother of the believers used to lead them (the women) in the prayer during the month of Ramaḍān, and she used to stand with them in their row.[3]

And (it has been transmitted to us), from ʿAbd al-Razzāq from Ibn Jurayj, that he said: Yaḥyā ibn Saʿīd al-Anṣārī informed me *(akhbaranī)* that ʿĀʾishah the mother of the believers used to lead the women in the nafl prayer and used to stand in the middle of them.[4]

[128] And (it has been transmitted to us), from ʿAbd al-Razzāq from Ibrāhīm ibn Muḥammad, from Dāwūd ibn al-Ḥuṣayn, from ʿIkrimah, from Ibn ʿAbbās, that he said: 'The woman will lead other women in the *nafl* prayer, while she will stand in the middle of them.'[5]

And it has been narrated from Ibn ʿUmar that he used to command a slave-girl of his to lead his women in the (prayers during the) nights of Ramaḍān.[6]

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1 Shākir suggests that the Sufyān here is Sufyān ibn ʿUyaynah, not al-Thawrī. The fact that both Sufyāns narrate from ʿAmmār al-Duhnī may indeed explain a confusion on the part of Ibn Ḥazm that led him to write 'al-Thawrī'. However, when I checked in *al-Muṣannaf*, I found that ʿAbd al-Razzāq writes only 'al-Thawrī', not the rest of the name. So it could be that this ḥadīth is one of several that are narrated by both Sufyāns from the same teachers. Hence, there is no reason to consider, as Shākir does, that Ibn Ḥazm is confused; rather, he has copied the ḥadīth from al-Muṣannaf exactly as found there.

2 ʿAbd al-Razzāq, *al-Muṣannaf, al-Ṣalāh*, b. *al-marʾah taʾummu al-nisāʾ*; Ibn Abī Shaybah, *al-Muṣannaf, al-Ṣalāh, al-marʾah taʾummu al-nisāʾ*.

3 Ibn Abī Shaybah, *al-Muṣannaf, al-Ṣalāh, al-marʾah taʾummu al-nisāʾ*.

4 ʿAbd al-Razzāq, *al-Muṣannaf, al-Ṣalāh*, b. *al-marʾah taʾummu al-nisāʾ*.

5 ʿAbd al-Razzāq, *al-Muṣannaf, al-Ṣalāh*, b. *al-marʾah taʾummu al-nisāʾ*.

6 Many scholars have mentioned this report with reference to *al-Muḥallā*. I have not been able to locate it anywhere else.

And from among the Followers *(tābiʿūn)*, it has been transmitted to us from Ibn Jurayj from ʿAṭāʾ,[1] and from the son of Mujāhid from his father,[2] and from Sufyān al-Thawrī from Ibrāhīm al-Nakhaʿī and al-Shaʿbi,[3] and from Wakīʿ from al-Rabīʿ from al-Ḥasan al-Baṣrī, that all of them upheld the permissibility of a woman leading other women in the prayer while standing in the middle of them. ʿAṭāʾ, Mujāhid and al-Ḥasan said: 'In the *farḍ* and *nafl*.' And others did not forbid that. It is the opinion of Qatādah, al-Awzāʿī, Sufyān al-Thawrī, Isḥāq, Abū Thawr, and the majority of the people of ḥadīth. It is also the opinion of Abū Ḥanīfah, al-Shāfiʿī, Aḥmad ibn Ḥanbal, Dāwūd and their companions.[4]

Sulaymān ibn Yasār and Mālik ibn Anas say: a woman cannot lead other women in a farḍ prayer or in a nafl prayer.[5] This is an opinion for whose validity there is no evidence. It is also against the opinion of a group of the Companions, and no opponent to them is known from among the Companions, may God be pleased with them. And they (i.e., the followers of Mālik) spread this when it fits in with their conformity (*taqlīd*).

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1 ʿAbd al-Razzāq, *al-Muṣannaf, al-Ṣalāh*, b. *al-marʾah taʾummu al-nisāʾ*.

2 ʿAbd al-Razzāq, *al-Muṣannaf, al-Ṣalāh*, b. *al-marʾah taʾummu al-nisāʾ*.

3 ʿAbd al-Razzāq, *al-Muṣannaf, al-Ṣalāh*, b. *al-marʾah taʾummu al-nisāʾ*; Ibn Abī Shaybah, *al-Muṣannaf, al-Ṣalāh*, b. *al-marʾah taʾummu al-nisāʾ*.

4 Ibn Qudāmah, the famous Ḥanbalī scholar, says (*al-Mughnī*, 2/468): 'Among those from whom it is narrated that the woman can lead other women in the prayer are: ʿĀʾishah, Umm Salamah, ʿAṭāʾ, al-Thawrī, al-Awzāʿī, al-Shāfiʿī, Isḥāq, Abū Thawr. It has been narrated from Aḥmad that it is not recommended. The people of *raʾy* disliked it, and if she has done it (i.e., has led the prayer), it will suffice (i.e., the prayer will be valid, and will not need to be repeated). Al-Shaʿbī, al-Nakhaʿī and Qatādah say: The woman can lead other women in the *nafl*, but not in *farḍ*.' The great Ḥanafī jurist, al-Kāsanī says (*Badāʾiʿ al-ṣanāʾiʿ*, 1/668): 'The woman is suitable for leading the prayer in general, so if she leads other women it will be allowed, and she should stand in the middle of them, because it has been narrated from ʿĀʾishah, may God be pleased with her, that she led some women in the *ʿaṣr* prayer and she stood in the middle of them. And (this is) because their state is based on covering, and this (standing within the row) is more covering for her. Yet, among us (i.e., Ḥanafīs), their congregation is disliked.' Another Ḥanafī scholar, al-Marghīnānī says (*al-Hidāyah*, 1/236): 'It is liked for women to do the congregational prayer alone.'

5 Ibn Qudāmah says (*al-Mughnī*, 2/468): 'al-Ḥasan and Sulaymān ibn Yasār say: She cannot lead in any *farḍ*, nor in any *nafl*. Mālik says: It is not appropriate for the woman to lead anyone in congregation.'

Moreover, a woman's leading other women in the prayer falls within the saying of God's Messenger, upon him be peace: 'Surely, the prayer of the congregation excels the prayer of the individual by twenty-seven times.[1]

Then if it is said: So why have you not made (women leading the prayer) a *farḍ* (i.e., obligatory) because of his saying, upon him be peace: "When the time of the prayer comes the eldest of you (m.) should lead in the prayer."[2] We say: had this been (the intended meaning of his instruction) then it would have been allowed for a woman to lead us (i.e., men) in the prayer, and this is impossible. This is an address from him, upon him be peace, (that was) never directed to women who have no man with them. [129] (To understand it so) is certainly a mistake in Arabic. And it is impossible and prevented that he, upon him be peace, would commit any mistake in Arabic.

[Adhān and iqāmah for women]

(320) *Masʾalah*: *Adhān* and *iqāmah* are not (obligatory) on women. But if they say *adhān* and *iqāmah*, it is good.[3] The argument for that is

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1 al-Bukhārī, *al-Adhān*, b. *faḍl ṣalāt al-jamāʿah*, b. *faḍl ṣalāt al-fajr fī jamāʿah*; Muslim, *al-Masājid*, b. *faḍl ṣalāt al-jamāʿah*. There is no evidence in the Sunnah that women have less reward in this or any other good action, as compared to men. Rather, it was understood that the reward of deeds generally is not based on gender. For example, the reward of praying in the mosque of the Prophet, upon him be peace, is a thousand times more than in any other mosque other than al-Masjid al-Ḥarām. A woman who was suffering from an illness said: 'If God cures me I will set out on journey and I will pray in Bayt al-Maqdis.' When she was cured, she prepared for her journey and came to Maymūnah, the wife of the Prophet, upon him be peace, to say *salām* to her, and told her story to her. Upon this, Maymūnah said to her: 'Sit down and eat what I have made, and pray in the mosque of the Messenger. I have heard the Messenger of God, upon him be peace, say: "One prayer in it is better than a thousand prayers in any mosque other than the mosque of the Kaʿbah."' See Muslim, *al-Ḥajj*, (without chapter titles); al-Nasaʾī, *al-Ḥajj*, b. *faḍl al-ṣalāh fī al-masjid al-ḥarām*.

2 The pronoun 'you' is masculine (so too is the verb-form that follows it). Al-Bukhārī, *al-Adhān*, b. *man qāla li-yuʾadhdhin fī al-safar muʾadhdhin wāḥid*, b. *al-adhān li-l-musāfir*, b. *idhā istawaw fī al-qirāʾah fa-ḥyaʾummahum akbaruhum*; Muslim, *al-Masājid*, b. *man aḥaqqu bi-l-imāmah*.

3 Among those who say that *adhān* and *iqāmah* are not obligatory on women are: ʿAlī ibn Abī Ṭālib, Ḥasan al-Baṣrī, Muḥammad ibn Sīrīn, ʿAṭāʾ ibn Abī Rabāḥ, Saʿīd ibn al-Musayyab, Ibrāhīm al-Nakhaʿī, al-Zuhrī, Jābir ibn Zayd and

that the command of God's Messenger, upon him be peace, for *adhān* is for those on whom the Messenger of God, upon him be peace, has made the prayer in the congregation obligatory by his saying, upon him be peace: "So one of you (m.) should say adhān for you (m.) and the eldest of you (m.) should lead in the prayer."[1] And the women are not commanded (to do) that. So when it is established (that it is not obligatory on the women to say adhān and iqāmah), the adhān is remembrance of God, Exalted is He, and the iqāmah is like that. So both of them in their time are good actions.[2] And it has been transmitted to us from Ibn Jurayj from ʿAṭāʾ that he said: "The woman will say iqāmah for herself."[3] Ṭāwūs says: "ʿĀʾishah the mother of the believers used to say adhān and iqāmah."[4]

[Unlawfulness of stopping women from going to the mosque]

(321) *Masʾalah*: It is not lawful for the guardian (walī) of a woman, or the master of a slave-girl, to stop them from attending prayer in congregation in the mosque, if he knows that they intend the prayer.

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al-Ḍaḥḥāk. See Ibn Abī Shaybah, *al-Muṣannaf, al-Adhān, fī al-nisāʾ man qala laysa ʿalayhinna adhānun wa-lā iqāmah.* Sulaymān al-Taymī says: 'We asked Anas ibn Mālik: Is there any adhān and iqāmah (obligatory) upon the women? He answered: No, and if they do so it is a dhikr (remembrance) of God.' See Ibn Abī Shaybah, *al-Muṣannaf, al-Adhān, fī al-nisāʾ man qāla laysa ʿalayhinna adhānun wa-lā iqāmah.* Makḥūl says: 'If women say *adhān* and *iqāmah*, that is better; and if they do not add to the *iqāmah*, it will suffice them.' See al-Bayhaqī, *al-Sunan al-kubrā, al-Ṣalāh*, b. *adhān al-marʾati li-nafsihā wa-ṣawāḥibātihā.*

1 al-Bukhārī, *al-Adhān*, b. *man qāla li-yuʾadhdhin fī al-safar muʾadhdhin wāḥid*, b. *al-adhān li-l-musāfir*, b. *idhā istawaw fī al-qirāʾah fa-lyaʾummahum akbaruhum*; Muslim, *al-Masājid*, b. *man aḥaqqu bi-l-imāmah.*

2 Ibn Ḥazm means that, although it is not obligatory, if women say *adhān* and *iqāmah* it is good.

3 ʿAbd al-Razzāq, *al-Muṣannaf, al-Ṣalāh*, b. *hal ʿalā al-marʾati adhānun wa-iqāmah*? Wahb ibn Kaysān says: 'Ibn ʿUmar was asked: Is there any adhān (obligatory) on the women? He became angry and said: Will I forbid the remembrance of God?' See Ibn Abī Shaybah, al-Muṣannaf, k. al-Adhān, man qāla ʿalayhinna an yuʾadhdhinna wa yuqimna).

4 ʿAbd al-Razzāq, *al-Muṣannaf, al-Ṣalāh*, b. *hal ʿala al-marʾati adhānun wa- iqāmah*; Ibn Abī Shaybah, *al-Muṣannaf, al-Adhān*, man qāla ʿalayhinna an yuʾadhdhinna wa yuqimna. Ibn Abī Shaybah also mentions a few more reports: Hishām says: Ḥafṣah (bint Sīrīn) used to say *iqāmah* when she prayed. Sālim ibn ʿAbdullāh ibn ʿUmar says: If women want to, they can say *adhān*. Jābir ibn ʿAbdullāh says: A woman can say *iqāmah* if she wants to.

And it is not lawful for (the women) to go out having applied perfume, nor in finery. If she does do (that) then (the guardian) should stop her.

[Women's prayer in congregation is better than their prayer alone]

And (the women's) prayer in congregation is better than their prayer alone.[1]

[Ḥadīths on not stopping women from going to the mosque]

ʿAbdullāh ibn Yūsuf has narrated to us *(ḥaddathanā)*, saying Aḥmad ibn Fatḥ has narrated to us, saying ʿAbd al-Wahhāb ibn ʿĪsā has narrated to us, saying Aḥmad ibn Muḥammad has narrated to us, saying Aḥmad ibn ʿAlī has narrated to us, saying Muslim ibn al-Ḥajjāj has narrated to us, saying Muḥammad ibn ʿAbdullāh ibn Numayr has narrated to us, saying my father and ʿAbdullāh ibn Idrīs narrated to us, both of them saying ʿUbaydullāh – ibn ʿUmar (ibn Ḥafṣ ibn ʿĀṣim ibn ʿUmar ibn al-Khaṭṭāb) – narrated to us from Nāfiʿ, from (ʿAbdullāh) Ibn ʿUmar, who said: "The Messenger of God, upon him be peace, said: 'Do not stop the women servants of God from the mosques of God.' "[2]

And with the same chain going back to Muslim, who said: Ḥarmalah ibn Yaḥyā narrated to us, saying Ibn Wahb narrated to us saying, Yūnus – ibn Yazīd – informed us from Ibn Shihāb saying Sālim ibn ʿAbdullāh ibn ʿUmar informed (us) that ʿAbdullāh ibn ʿUmar said: "I heard the Messenger of God, upon him be peace, say: 'Do not stop your women from the mosques when they ask your permission to go there.' His (i.e., ʿAbdullāh ibn ʿUmar's) son Bilāl said to him: 'By God, we certainly will stop them!' Then ʿAbdullāh ibn ʿUmar turned to him and abused him with very vehement abuse, I never heard him abusing (anyone) like that, and he said: 'I am informing (you of something) from the Messenger

1 Ibn Ḥazm's opinion is that the ḥadīths which mention the merit of the prayer in congregation are not specific to men, rather they are general and inclusive for women and men. It is a well-established opinion of all major jurists that the teachings of the Qurʾān and Sunnah are guidance for all. To exempt women (or men for that matter) from any instruction in those teachings, would need to be based upon clear, sound proofs from the sources.

2 al-Bukhārī, *al-Jumuʿah*, (without chapter headings); Muslim, *al-Ṣalāh*, b. *khurūj al-nisāʾ ilā al-masājid.*

of God, upon him be peace, and you say: By God we certainly will stop them!?' "[1]

And with the same chain going back to Muslim, who said: Abū Kurayb narrated to us, saying Abū Muʿāwaiyah narrated to us, from al-Aʿmash, from Mujāhid, from Ibn ʿUmar, who said: 'The Messenger of God, upon him be peace, said: "Do not stop the women from going in the night to the mosques." '[2]

Ḥamām narrated to us, saying ʿAbbās ibn Aṣbagh narrated to us, saying Muḥammad ibn ʿAbd al-Malik ibn Ayman narrated to us, saying Muḥammad ibn Waḍḍāḥ narrated to us, saying: Ḥāmid – ibn Yaḥyā – al-Balkhī narrated to us, saying Sufyān – ibn ʿUyaynah – narrated to us from Muḥammad ibn ʿUmar ibn ʿAlqamah ibn Waqqāṣ, from Abū Salamah ibn ʿAbd al-Raḥmān ibn ʿAwf, from Abū Hurayrah, who said: the Messenger of God said: 'Do not stop the women slaves of God from the mosques of God, while they do not go out except as *tafilāt*.'[3]

ʿAlī (Ibn Ḥazm) says: And al-tafilah is the woman without perfume and without attractive clothing.

ʿAbdullāh ibn Yūsuf narrated to us, saying Aḥmad ibn Fatḥ narrated to us, saying ʿAbd al-Wahhāb ibn ʿĪsā narrated to us, saying Aḥmad ibn Muḥammad narrated to us, saying Aḥmad ibn ʿAlī narrated to us, saying Muslim ibn al-Ḥajjāj narrated to us, saying Abū Bakr ibn

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1 Muslim, *al-Ṣalāh*, b. *khurūj al-nisāʾ ilā al-masājid*...; Abū Dāwūd, *al-Ṣalāh*, b. *mā jāʾa fī khurūj al-nisāʾ ilā al-masjid*. In this anger of ʿAbdullāh ibn ʿUmar there is strong admonition for all those who stop women from going to the mosque. It is on the account of this ḥadīth of the Prophet, upon him be peace, that ʿAbdullāh's father, ʿUmar ibn al-Khaṭṭāb did not dare to forbid his wife ʿĀtikah from going to the mosque. This is discussed further below. Even those early jurists who disliked women going to the mosque did not stop them from doing so. Rather, all the compilations of *fiqh* discuss in great detail the order of the rows of men and women in the congregational prayers in the mosques.

2 al-Bukhārī, *al-Jumuʿah*, (no chapter headings); Muslim, *al-Ṣalāh*, b. *khurūj al-nisāʾ ilā al-masājid*...; al-Bukhārī (in *al-Adhān*, b. *khurūj al-nisāʾ ilā al-masājid bi-l-layl wa-l-ghalas*; b. *istiʾdhān al-marʾati zawjaha bi-al-khurūji ilā al-masjid*; *al-Nikāḥ*, b. *istiʾdhān al-marʾati zawjahā fī al-khurūj ilā al-masjidi wa-ghayrihī*) has also narrated this ḥadīth through the chain of Sālim from Ibn ʿUmar from the Prophet, upon him be peace, who said: 'When your women ask your permission to go to the mosques at night then give them permission.'

3 Abū Dāwūd, *al-Ṣalāh*, b. *mā jāʾa fī khurūj al-nisāʾ ilā al-masjid*.

Abī Shaybah narrated to us, saying Yaḥyā ibn Saʿīd al-Qaṭṭān narrated to us from Muḥammad ibn ʿAjlān, who said: Bukayr ibn Abdullāh ibn al-Ashajj narrated to us from Busr ibn Saʿīd, from Zaynab the wife of ʿAbdullāh ibn Masʿūd, who said, the Messenger of God, upon him be peace, said to us (women): 'When one of you attends the mosque, she should not put on any perfume.'[1]

And from the route of Mālik, from Yaḥyā ibn Saʿīd, from ʿAmrah bint ʿAbd al-Raḥmān, from ʿĀʾishah the mother of the believers, who said: 'Indeed the Messenger of God, upon him be peace, used to pray the morning prayer, then [131] the women used to turn (from the mosque) covered in their cloaks, not being recognized because of the darkness.'[2]

Aḥmad ibn Muḥammad ibn al-Jasūr narrated to us, saying Muḥammad ibn ʿAbdullāh ibn Abī Dulaym narrated to us, saying Ibn Waḍḍāḥ narrated to us, saying Abū Bakr ibn Abī Shaybah narrated to us, saying Ḥusayn ibn ʿAlī – al-Juʿfī – narrated to us from Zāʾidah, from Abdullāh ibn Muḥammad ibn ʿAqīl, from Jābir, from the Messenger of God, upon him be peace, who said: 'The best of the rows for the men is the front one, and the worst of the rows of the men is the back one, and the worst of rows for the women is the front one, and the best of rows for the women is the back one. O party of the women! when the men prostrate then lower your gaze, so your eyes do not fall upon the private parts of the men because of the tightness of their lower garments.'[3]

ʿAbdullāh ibn Rabīʿ narrated to us, saying: Muḥammad ibn Isḥāq narrated to us, saying: Ibn al-Aʿrābī narrated to me, saying: Abū Dāwūd narrated to us, saying: ʿAbdullāh ibn ʿAmr – Abū Maʿmar – narrated to us, saying: ʿAbd al-Wārith ibn Saʿīd – al-Tannūrī – narrated to us, saying: Ayyūb – al-Sakhtiyānī – narrated to us from Nāfiʿ, from Ibn ʿUmar, who said: 'The Messenger of God, upon him be peace, said:

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1 Muslim, *al-Ṣalāh*, b. *khurūj al-nisāʾ ilā al-masājid...*

2 al-Bukhārī, *al-Ṣalāh*, b. *fī kam tuṣallī al-marʾatu min al-thiyāb*; *Mawāqīt al-ṣalāh*, b. *waqt al-fajr*; *al-Adhān*, b. *intiẓār al-nās qiyām al-imām al-ʿālim*, b. *surʿat insirāf al-nisāʾ min al-subh wa-qillati muqāmihinna fī al-masjid*; Muslim, *al-Masājid*, b. *istiḥbāb al-tabkīr bi-l-ṣubḥ fī awwali waqtihā.*

3 Ibn Abī Shaybah, *al-Muṣannaf*, *al-Ṣalāh*, b. *man kariha li-l-nisāʾ idhā ṣallayna maʿ al-rijāl an yarfaʿna ruʾūsahunna qablahum*; Aḥmad ibn Ḥanbal, *al-Musnad*, *musnad Jābir.*

"What if we leave this door (of the mosque) for the women?" Then Ibn ʿUmar never entered from that door until he died.'[1]

And with the same (chain of narration going back) to Abū Dāwūd, who said: Qutaybah narrated to us, saying Bakr ibn Muḍar narrated to us from ʿAmr ibn al-Ḥārith, from Bukayr – ibn al-Ashajj – from Nāfiʿ, who said: 'ʿUmar ibn al-Khaṭṭāb used to forbid (men) [132] from entering from *bāb al-nisāʾ* (the door of the women in the mosque of the Prophet).'[2]

ʿAlī (i.e. Ibn Ḥazm) says: Had the prayer of the women in their homes been better, then the Messenger of God, upon him be peace, would not have let them undergo a hardship which does not bring them any extra merit, or which rather lowers their merit. And this would not be sincere advice, whereas he, upon him be peace, says: 'The religion is sincere advice *(naṣīḥah).*'[3] He is, upon him be peace, far removed from that (i.e., from giving insincere advice). Rather, he is of all the creatures the most sincere to his *ummah.* Had that been the case (i.e. ,the prayer of the women at home being better), then he, upon him be peace, would not have made it obligatory not to stop women (from going to the mosque), and he would not have commanded women to go out as *tafilāt* (without perfume and attractive clothing).

The least (that can be taken) from this is that it is a command of recommendation and encouragement.

[Those who prefer that women pray at home]

Abū Ḥanīfah and Mālik say: '(The women's) prayer in their homes is better.' And Abū Ḥanīfah disliked their going out to the mosques for the prayer of the congregation, for the Friday prayer, and on the two *ʿīd*s.[4] He made concession for the elderly woman, specifically in the late night prayer and the morning prayer, and it has also been narrated from him that he did not dislike their going out on the *ʿīd*s.

1 Abū Dāwūd, *al-Ṣalāh*, b. *al-tashdīd fī dhālik.*

2 Abū Dāwūd, *al-Ṣalāh*, b. *iʿtizāl al-nisāʾ fī al-masājid ʿan al-rijāl.*

3 Muslim, *al-Īmān*, b. *bayān anna al-dīn al-naṣīḥah.*

4 Muḥammad al-Shaybānī says (*al-Ḥujjah ʿalā ahl al-madīnah*, 1/200–1): 'Abū Ḥanīfah says about women going out on the two *ʿīd*s: it was allowed in the past. As for now, it is not appropriate except for an aged old lady, so there is no harm in her going out.'

Mālik said: 'We do not stop (the women) from going out to the mosques.' And he allowed the aged old woman to attend the two *ʿīd*s and the *istisqā'* (prayer for rain).[1] He said: 'The young woman may go out to the mosque occasionally.' He said: 'The aged old woman may go to the mosque, but should not go too often.'[2]

[Arguments of those who dislike women attending prayer in the mosques]

ʿAlī (Ibn Ḥazm) says: those who disliked (women's going to the mosque) raised noisy protest (against me) using a narration that has been transmitted to us from Sufyān, from Yaḥyā ibn Saʿīd, from ʿAmrah, from ʿĀ'ishah, who said: 'Had the Messenger of God, upon him be peace, seen what the women have invented after him, he would have stopped them from the mosque as the women of the Children of Israel have been stopped.'[3]

And (they argued the same opinion) from another ḥadīth, which has been narrated from ʿAbd al-Ḥamīd ibn al-Mundhir al-Anṣārī, from his paternal aunt or his grandmother [133] Umm Ḥumayd, that the Prophet, upon him be peace, said: 'Your prayer in your house is better than your prayer with me.'[4]

[134] And (they argued the same opinion) from another ḥadīth, which has been narrated from the route of ʿAbdullāh ibn Rajā' al-Ghudānī who said: Jarīr ibn Ḥāzim[5] informed us from Abū Zurʿah ibn ʿAmr ibn Jarīr that Abū Hurayrah narrated to him that the Prophet, upon him be peace, said: 'The woman's prayer in her secluded room is greater for her reward than her prayer in her house, and her prayer

1 Imām Muḥammad says (*al-Ḥujjah ʿalā ahl al-madīnah*, 1/201): 'The people of Madīnah say about women going out on the two *ʿīd*s: it has not come to our knowledge that it is obligatory upon them.'

2 According to Aḥmad ibn Ḥanbal, it is allowed for women to go out for the ʿid prayer, but it is not recommended. Ibn Qudāmah says (*al-Mughnī*, 3/119–20): 'There is no harm in women's going out on the day of *ʿīd* to the place of *ʿīd* prayer. Ibn Ḥāmid says: That is recommended.'

3 al-Bukhārī, *al-Adhān*, b. *intiẓār al-nās qiyām al-imām al-ʿālim*; Muslim, *al-Ṣalāh*, b. *khurūj al-nisā' ilā al-masājid*.

4 Ibn Abī Shaybah, *al-Muṣannaf*, *al-Ṣalāh*, b. *man kariha dhālik*; Aḥmad ibn Ḥanbal, *al-Musnad*, *musnad al-nisā'*.

5 Ibn Ḥazm has erred here. The narrator's name is Jarīr ibn Ayyūb al-Bajalī, not Jarīr ibn Ḥāzim. This will be discussed later with the discussion of Ibn Ḥazm's explanation of the weakness of this narration.

in her house is greater for her reward than her prayer in her *dār*, and that her prayer in her *dār* is greater for her reward than her prayer in the mosque of her people, and her prayer in the mosque of her people has greater reward than praying in the mosque of congregation, and her prayer in the mosque of congregation is better than going out to the prayer on the day of *ʿīd*.'

[Their misinterpretation of the ḥadīth in which the Prophet encourages women to go out for the ʿīd prayer]

Some of them have said: Perhaps the Messenger of God, upon him be peace, commanded their going out on the day of *ʿīd*[1] to awe the enemy because of the small number of Muslims at that time, so they would appear numerous in the sight of those who saw them.

ʿAlī (ibn Ḥazm) says: this is a major (fault), because it is a lie against the Messenger of God, upon him be peace, and it is an utterance without knowledge. And he, upon him be peace, has explained that his command of (the women's) going out is so that they should attend the good and the supplication of Muslims, while the menstruating women avoided the place of prayer. So reproach be upon the one who belies the word of the Prophet, upon him be peace, and invents a lie by his own opinion. Moreover, this opinion, beside being a sheer lie, is cold and very silly. Because the Prophet, upon him be peace, was not in the presence of an army, so he would have to awe them. There was no enemy with him except the hypocrites and Jews of Madīnah, those who knew that they are women. So be amazed by this mess (of an explanation)![2]

1 This refers to the famous sound ḥadīth of Umm ʿAṭiyyah al-Anṣārīyyah saying: 'We were commanded to bring out, on the days of the two *ʿīd*s, the menstruating women and the protected young girls, so they might attend the congregation of Muslims and their supplication. And the menstruating women were to keep apart from the place of the prayer. A woman said: O God's Messenger, if one of us has no *jilbāb*? He answered that another woman should give her her *jilbāb*.' See al-Bukhārī, *al-Ḥayḍ*, b. *shuhūd al-ḥā'iḍ al-ʿīdayn...*; *al-Ṣalāh*, b. *wujūb al-ṣalāh fī al-thiyāb*; *al-ʿĪdayn*, b. *al-takbīr ayyāma minan wa-idhā ghadā ilā ʿarafah*, b. *khurūj al-nisā' wa-l-ḥuyyaḍ ilā al-muṣallā*, b. *idhā lam yakun lahā jilbāb fī al-ʿīd*, b. *i'tizāl al-ḥuyyaḍ al-muṣallā*; *al-Ḥajj*, b. *taqḍī al-ḥā'iḍu al-manāsika kullahā*; Muslim, *Ṣalāt al-ʿīdayn*, b. *dhikr ibāḥat khurūj al-nisā' fī al-ʿīdayn*.

2 It is indeed a shocking explanation, that the Prophet, upon him be peace, only commanded women to go out for the *ʿīd* prayer to make show of the Muslims'

ʿAlī (Ibn Ḥazm) says: As for the ḥadīth of ʿĀʾishah, there is no proof in it for a number of reasons:

The first one is that he, upon him be peace, did not see this 'new thing' that women had invented, so he did not stop them. Since he did not stop them, then your stopping them is a bidʿah and an error. And this like His saying, Exalted is He: "O wives of the Prophet, whoever of you were to commit [135] a clear immorality – for her the punishment would be doubled twofold."[1] But they never committed any immorality, and the punishment was not doubled twofold for them, and all praise is due to God the Lord of the worlds. This is also like His saying, Exalted is He: "And if only the people of the cities had believed and feared God, We would have opened upon them blessings from the heaven and the earth."[2] But they did not believe, so the blessings were not opened upon them.

And we do not know of a sillier argument than the argument of the one who argues by someone saying – had such and such been, then such and such would have been – to make obligatory what has not been, the thing that, had it been, then that other also would have been.

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numbers so at to awe the enemy. Had this been the case, women would have stopped doing then when the Muslim population grew. In fact, this *sunnah* continued from the time of the Prophet, upon him be peace, through the time of the Companions, the Followers and the generations after them, when the Muslims held great political and military power in the world, and had no need to awe their enemies by showing their number. Here are a few more narrations: 1) Ibn ʿAbbās narrates that the Messenger of God, upon him be peace, used to take his daughters and his wives out to both *ʿīd*s. 2) ʿĀʾishah says: The virgin girls used to come out because of the command of the Messenger to go out for the two *ʿīd*s. 3) Abū Bakr al-Ṣiddīq said: It is obligatory upon every woman to go out to both *ʿīd*s. 4) ʿAlī said: It is obligatory upon every woman to go out to both *ʿīd*s. 5) ʿAbdullāh ibn ʿUmar used to take out those of his family who could do so, to attend both *ʿīd*s. 6) ʿAlqamah and Aswad used to take out their women on both *ʿīd*s. 7) Abū Isḥāq al-Sabīʿī said: Abū Maysarah's wife used to go out for the *ʿid*. See Ibn Abī Shaybah, *al-Muṣannaf, al-Ṣalāh, man rakhkhaṣa fī khurūj al-nisāʾ ilā al-ʿidayn.*

1 Qurʾān, *al-Aḥẓāb*, 33:30.

2 Qurʾān, *al-Aʿrāf*, 7:96.

The second reason is that God, Exalted is He, knew what women would invent. Anyone who denies this would have committed unbelief. But He never revealed to His Prophet, upon him be peace, to stop the women (from going to the mosque) because of what they would have sought to invent. Nor did He, Exalted is He, reveal to him: Tell the people: when the women invent new things, then stop them from the mosques. Since God, Exalted is He, did not do this, then relying upon such a saying is silly and an error.

The third reason is that we do not know what the 'new thing' was that the women did that they had not done at the time of the Messenger of God, upon him be peace. Whatever it is, it could not be worse than fornication. And the fornication itself happened in the time of the Messenger of God, upon him be peace, and he stoned in it and flogged, and he never stopped the women (from going to the mosque) because of that. Moreover, fornication is just as unlawful for men as it is for women, and there is no difference. So what has made fornication a cause to stop the women from the mosques, and has not made it a cause to stop the men from the mosques? This is a reasoning that God, Exalted He is, never has been pleased with, nor His Messenger, upon him be peace.

The fourth reason is that the 'new thing' that was happening, was done, undoubtedly, by some women only, not others. Now, it is impossible to stop a general good from those who did not do this 'new thing', because of those people who did that 'new thing', except if a text comes from God, Exalted is He, on the tongue of His Messenger, upon him be peace, then he would be listened to and obeyed.[1] God, Exalted is He, has said: 'And every soul earns no (reproach) except against itself, and no bearer of burdens will bear the burden of another.'[2]

The fifth reason is that if this 'new thing' is a reason to stop women [136] from going to the mosque, then more preferably, it should undoubtedly be a cause to stop them from going to the market and from any public way! Then why have these people specified stopping

1 Ibn Qudāmah says (*al-Mughnī*, 3/120): "Ā'ishah's saying is specific to those women who did the new things, not others, and no doubt it will be disliked for those women. Rather, it is recommended for the women to go out without applying any perfume and not wearing any clothes or displaying an adornment.'

2 Qur'ān, *al-An'ām*, 6:164.

them from the mosque because of the 'new thing' that they did, while not stopping them from the other ways? Moreover, Abū Ḥanīfah allowed a woman to be travelling alone and walking in the desert and forest for the distance of two and half days (travelling), and he did not dislike it for her.[1] That is how messing up (an argument) should go!

The sixth reason is that ʿĀ'ishah herself did not, because of that, hold the opinion of stopping the women (from going to the mosque), nor did she say (to the men): stop the women because of the 'new thing' that they have done. Rather, she just informed that if he, upon him be peace, had been alive, he would have stopped them. This is exactly our opinion. We say: if he, upon him be peace, had stopped them, we would have stopped them. So since he did not stop them, we will not stop them. They (who dislike women going to the mosques) have not achieved (anything) except opposing the *sunnah*, and opposing ʿĀ'ishah, may God be pleased with her, and lying by suggesting to their imitators in ambiguity that by that ḥadīth of hers she forbade the going out of the women. Rather, she did not do that.[2] We seek refuge in God from withholding His help from us.

[Weakness of the ḥadīths preferring women to pray at home]

As for the ḥadīth of ʿAbd al-Ḥamīd ibn al-Mundhir: he is *majhūl*, it is not known who he is.[3] It is not permissible to abandon the *mutawātir*

1 Ibn Ḥazm is making an argument here against those who allow women to travel alone without being accompanied by their husbands or any *maḥram* for a distance of less than three days' travelling, but do not allow the women to walk the short distance to the mosques in their neighbourhoods.

2 Rather, ʿĀ'ishah continued going to the mosque for the prayers, and never stopped any woman from doing so.

3 This ḥadīth has been narrated by two routes: 1) the route of ʿAbd al-Ḥamīd ibn al-Mundhir, which Ibn Ḥazm has cited, and which is recorded by Ibn Abī Shaybah in his *Muṣannaf*, and 2) the route of ʿAbdullāh ibn Suwayd al-Anṣārī, which Aḥmad ibn Ḥanbal has recorded in his *Musnad*. Both these routes are weak. As for ʿAbd al-Ḥamīd ibn al-Mundhir: he is not known, as Ibn Ḥazm says. In some books his name has been mentioned as Saʿīd ibn al-Mundhir, also an unknown person. And, similarly, ʿAbdullāh ibn Suwayd al-Anṣārī is unknown. Some people have confused this ʿAbdullāh with ʿAbdullāh ibn Suwayd, who was a Companion.
Ibn Khuzaymah (*Ṣaḥīḥ, al-Ṣalāh, jimāʿ abwāb ṣalāt al-nisāʾ fī al-jamāʿah*, b. *ikhtiyār ṣalāt al-marʾah fī baytihā ʿala ṣalātihā fī al-masjid*) also doubted the soundness of those ḥadīths that prefer women's prayer at home.

narrations of reliable people because of the narration of one of whom it is not known who he is.

As for the ḥadīth of ʿAbdullāh ibn Rajāʾ al-Ghudānī: he is a man of abundance of alteration *(taṣḥīf)* and mistake *(ghalaṭ)*, and he is not a proof. That is what ʿAmr ibn ʿAlī al-Fallās and others have said about him.[1]

Now if this report and the report of ʿAbdullāh ibn Rajāʾ al-Ghudānī had been sound – but they are not sound – then in their details there would have been a contradiction of the firmly established reports that we have already mentioned, and of his command, upon him be peace, that (the women) should go out, even the virgin protected girls and menstruating women, to attend the prayer of *ʿid*. He even commanded the woman who has no *jilbāb* to borrow a *jilbāb* from other women for that purpose.[2]

It (would also have been contradicting) what ʿAbdullāh ibn Rabīʿ has narrated to us, saying Muḥammad ibn Isḥāq narrated to us, saying Ibn al-Aʿrābī narrated to us, saying Abū Dāwūd narrated to us, saying: Muḥammad ibn al-Muthannā narrated to us that ʿAmr ibn al-ʿĀṣim al-Kilābī narrated to them, who said: Hammām – he is ibn Yaḥyā – narrated to us from Qatādah, from Muwarriq al-ʿIjlī from Abū al-Aḥwaṣ, from ʿAbdullāh [137] ibn Masʿūd, from the Prophet, upon him be peace, who said: "The prayer of the woman in her house is better than her prayer in her room, and her prayer in her mosque *(fī masjidihā)* is better than her prayer in her house."[3]

ʿAlī (Ibn Ḥazm) says: He intends, no doubt, the mosque of her quarter. Because if he, upon him be peace, had intended the mosque of her house, then he would have been saying: her prayer in her house

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1 See the entry for ʿAbdullāh ibn Rajāʾ al-Ghudānī in al-Mizzī, *Tahdhīb al-kamāl*, vol. 14. In this ḥadīth ʿAbdullāh b. Rajāʾ is not the main problem. Rather, the problem is Jarīr ibn Ayyūb al-Bajalī. Ibn Ḥazm misidentified him as Jarīr ibn Ḥāzim, who is a reliable narrator and expert of ḥadīth. Jarīr ibn Ayyūb al-Bajalīhas been accused by the experts as a fabricator, and has been discredited strongly by people like al-Bukhārī, Abū Ḥātim al-Rāzī, al-Nasaʾī and others. See Ibn Ḥajar, *Lisān al-mīzān*, entry for Ayyūb.

2 He is referring to the famous ḥadīth, already mentioned, of Umm ʿAṭiyyah which is narrated in the two *Ṣaḥīḥ*s and other collections.

3 Abū Dāwūd, *al-Ṣalāh*, b. *al-tashdīd fī dhālika*.

is better than her prayer in her house. He, upon him be peace, is far from saying the impossible.[1]

That being so, it is right to say that one of the two commands is abrogated. Either: his saying her prayer in her mosque is better than her prayer in her home, and his encouraging, upon him be peace, the (women's) going out to the *ʿīd* and to the mosque, are abrogated by his saying that her prayer in her house is better than her prayer in the mosque, and better than her going out to the *ʿīd* prayer. Or: his saying, upon him be peace, that her prayer in her home is better than her prayer in her mosque, and her prayer in her mosque is better than her going out to the *ʿīd* prayer, are abrogated by his saying, upon him be peace that her prayer in her mosque is better than her prayer in her house, and (abrogated) by his encouragement of the woman to go out to the *ʿīd* prayer.

There is no escape from one of these two matters. And it is not permissible to affirm the abrogation of any sound report except by a proof (equally sound, or more sound).

So we looked into that and we found that the (women's) going out to the mosque and the place of the *ʿīd* prayer is an act additional to [138] the prayer, and a trouble – in the dawns, darkness, crowds, hot noons, rains and cold. So had the merit of this additional act been abrogated, then necessarily, (women's going to the mosque) will not be void of two ways, and there is no third to them: either her praying in the mosque and the place of *ʿīd* prayer will be equal to her praying in her home, then all this action would have been useless and void,

1 This comment is based on a possible misreading by Ibn Ḥazm. Perhaps the wording *fī masjidihā* is what he found in his copy of the *Sunan* of Abū Dāwūd, which follows the narration of Ibn al-Aʿrābī. However, in the narration of Abū ʿAlī al-Luʾluʾī ,which has been popular in the eastern Islamic world, the wording is *fī makhdaʿihā*, meaning in her small room (within the house). This explanation is just a possibility; what is more likely is that Ibn Ḥazm simply misread this word. In any case, this ḥadīth in Abū Dāwūd is a weak one. According to Ibn Khuzaymah (*Ṣaḥīḥ, al-Ṣalāh, jimāʿ abwāb ṣalāt al-nisāʾ fī al-jamāʿah*, b. *ikhtiyār ṣalāt al-marʾah fī baytihā ʿalā ṣalātihā fī al-masjid*), there is doubt as to Qatādah hearing this ḥadīth from Muwarriq al-ʿIjlī. According to al-Dāraquṭnī (*al-ʿIlal*, 5/314), there is an inconsistency in the *isnād* of the ḥadīth and divergence among its narrators about its being *marfūʿ* (i.e., a Prophetic ḥadīth) or *mawqūf* (Companion ḥadīth).

an unnecessary going for suffering and trouble. And it cannot at all be otherwise, but (the opponents of our position) do not say this. Or her praying in the mosques and the place of the *(ʿīd)* prayer will have less reward, as compared to her praying in her home, as the opponents do say. Then, in this case, all the above-mentioned action would be sinful and decreasing the merit (of the prayer). For, no additional act decreases the merit of any prayer compared to the same prayer (without that addition) except if it is forbidden, and other than this is not possible. This does not come under the heading of leaving recommended actions in the prayer – that does decrease the reward if one does (it) – because (the one who does) this has not committed any sin, rather he has abandoned acts of merit. As for the one who made effort to do something in the prayer, then he lost some of his reward which he would have obtained had he not done it, and destroyed some of his action, then this is a forbidden act without any doubt. Other than this is not possible. In the act which is disliked there is never a sin nor destruction of any (good) action, rather it has (in it) no reward and no sin at the same time. The sin and the destruction of the (good) action is only in committing the forbidden act.

[The Prophet and the rightly guided caliphs never stopped women from going to the mosques]

All the people of the earth agree that the Messenger of God, upon him be peace, never stopped the women from praying with him in his mosque until he died, nor did the rightly guided caliph do this after him.[1] (Only) then would it have been correct to say that it is an

1 There are many reports affirming the continuity of this *sunnah* among Muslims from the time of the Prophet, upon him be peace, throughout the generations. For example: Umm Salamah narrates that when the Messenger of God, upon him be peace, would say the *salām* (at the end of the prayer) the women would stand up when he finished (saying) the *salām*, and he would remain in his place for a while before getting up. Al-Zuhrī, one of the narrators of this ḥadīth, says: 'We think, God knows best, that was to let the women go back from the mosque, before the men could catch (sight of) them' (al-Bukhārī, *al-Adhān*, b. *ṣalāt al-nisāʾ khalf al-rijāl*; b. *mukth al-imām fī muṣallāhu baʿd al-salām*). Umm al-Faḍl narrates that the last thing that she heard from the Prophet, upon him be peace, was *Sūrat al-Mursalāt*, which he read in the prayer of *maghrib* (al-Bukhārī, *al-Adhān*, b. *al-qirāʾah fī al-maghrib*). ʿĀʾishah narrates that the wives of

abrogated act. Since there is no doubt in this, then it is an act of virtue. Had that not been the case, then he, upon him be peace, would not have approved it and would not have let women make effort for this trouble without any benefit, rather with a harm. And this is hardship *(al-ʿusr)* and hurt *(al-adhā)*, not sincerity.[1] Since there is no doubt in this, then it is abrogating and the other one is abrogated.

This is (the case) if both those ḥadīths had been sound. So how then when they are not sound?

It has been transmitted to us from the route of ʿAbd al-Razzāq from Sufyān al-Thawrī, from Hishām ibn ʿUrwah, who said [139] that ʿUmar ibn al-Khaṭṭāb commanded Sulaymān ibn Abī Ḥathmah to lead the women at the back of the mosque in the month of Ramaḍān.[2]

And (it has been transmitted to us) from ʿAbd al-Razzāq, from Maʿmar, from al-Zuhrī that ʿĀtikah bint Zayd ibn ʿAmr ibn Nufayl was married to ʿUmar ibn al-Khaṭṭāb. She used to attend the prayer in the mosque and ʿUmar said to her: 'By God, you certainly know that I do not like this.' Upon this she said: 'By God, I will not stop until you

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the Prophet, upon him be peace did *iʿtikāf* after his death (al-Bukhārī, *Abwāb al-iʿtikāf*, b. *al-iʿtikāf fī al-ʿashr al-awākhir*; Muslim, *al-Iʿtikāf*, b. *iʿtikāf al-ʿashr al-awākhir*); Ibrāhīm al-Nakhaʿī, who is a younger *tābiʿī*, says: 'The wife of Abū Masʿūd al-Anṣārī used to pray the late night prayer in the congregational mosque' (Ibn Abī Shaybah, *al-Muṣannaf*, *al-Ṣalāh*, b. *man rakhkhaṣa li-l-nisāʾ fī al-khurūj ilā al-masjid*). ʿAbd al-Malik ibn Marwān, the great Umayyad caliph, used to sit in the assembly of Umm al-Dardāʾ at the back of the great mosque in Damascus, and at the time of the prayer he would lead the prayer, and help her to join the women's rows (al-Dhahabī, *Siyar aʿlām al-nubalāʾ*, 4/279). In the course of research on the women scholars of ḥadīth, I found many hundreds of examples of women studying or teaching in all major mosques of the Ḥijāz, Syria, Iraq, Egypt and other parts of the Muslim world. (For details, see M. Akram Nadwi, *al-Muḥaddithāt: the Women Scholars in Islam* (Oxford: Interface Publications, 2nd revised edn., 2013.)

1 *Naṣīḥah* means advice that is sincere and given in order to benefit the person(s) to whom it is given. Ibn Ḥazm is arguing that the Prophet's advice and encouragement to women to make the effort to come to the mosque must be commending what is to their benefit, not what is of no benefit.

2 ʿAbd al-Razzāq, *al-Muṣannaf*, *al-Ṣalāh*, b. *shuhūd al-nisāʾ al-jamāʿah*. In another narration (see Ibn Abī Shaybah, *al-Muṣannaf*, *al-Ṣalāh*, b. *fī al-rajul yaʾummu al-nisāʾ*), Hishām ibn ʿUrwah narrates from his father: 'ʿUmar ibn al-Khaṭṭāb made for the people two readers in Ramaḍān, so my father used to lead the men, and Ibn Abī Ḥathmah used to lead the women.'

stop me.' ʿUmar said: 'Then, I certainly do not stop you.' When ʿUmar was attacked with the dragger she was in the mosque.[1]

ʿAlī (Ibn Ḥazm) says: the Commander of the Believers would not have stopped himself from forbidding her to go to the mosque had he known there is no reward for her in it. So then what if he had known that it decreases her reward and destroys her (good) action? There is no argument for them in his saying: I do not like that, because there is no sin in the inclination of the self. God has known that every Muslim, had the fear of God, Exalted is He, not been (in him), would have loved to eat when feeling hunger in Ramaḍān, and to drink when feeling thirst, and to sleep in cold mornings during the short nights abstaining from the prayer, and to have relation with every beautiful girl that the man sees. So the man loves the forbidden thing, and there is no harm on him (in that), and he is not able to turn his heart from it. What matters is only his patience or action. He says, Exalted is He: 'Fighting has been enjoined upon you while it is hateful to you. But perhaps you hate a thing and it is good for you; and perhaps you love a thing and it is bad for you.'[2]

[140] And it has been narrated to us by the route of ʿAbd al-Razzāq, from Muḥammad ibn ʿUmārah, from ʿAmr al-Thaqafī, from ʿArfajah, that: "ʿAlī ibn Abī Ṭālib used to command the people to do night

1 al-Bukhārī, *al-Jumuʿah* (no chapter heading); ʿAbd al-Razzāq, *al-Muṣannaf, al-Ṣalāh*, b. *shuhūd al-nisāʾ al-jamāʿah*; Ibn Abī Shaybah, *al-Muṣannaf, al-Ṣalāh*, b. *man rakhkhaṣa li-l-nisāʾ fī al-khurūj ilā al-masjid*. The wording in *Ṣaḥīḥ al-Bukhārī* is: 'A wife of ʿUmar used to attend the prayers of *fajr* and *ʿishāʾ* in the congregation in the mosque. It was said to her: Why do you go out when you know that ʿUmar does not like that, and he feels jealous? She said: Then what stops him from forbidding me? It was said to her: What stops him is the saying of the Messenger of God, upon him be peace, "Do not stop women slaves of God from the mosques of God".' In this there is a strong warning for all those who spread the false allegation that ʿUmar forbade women from going to the mosque. In fact, under his rule, it is not only that women continued going to the mosque; they also continued (though jihād is not obligatory on women) to participate in fighting in battles along with the men (see Saʿīd ibn Manṣūr, *al-Sunan, al-Jihād*, b. *mā jāʾa fī suhmān al-nisāʾ*). And it was ʿUmar who appointed a well-known and learned Companion from a noble family, namely al-Shifāʾ bint ʿAbdillāh al-ʿAdawiyyah, as the supervisor of the market of Madīnah (see Abū Nuʿaym al-Aṣbahānī, *Maʿrifat al-ṣaḥābah*, 5/261).

2 Qurʾān, *al-Baqarah*, 2:216.

prayer in Ramaḍān, then he would make an imām for the men and an imām for the women. He commanded me (ʿArjafah) so I led the women in the prayer.'[1]

[There is no difference between young women and old women in this regard]

ʿAlī (Ibn Hazm) says: the young women and other than them are equal.[2]

And from God, Exalted is He, is the help to being right.

1 ʿAbd al-Razzāq, *al-Muṣannaf, al-Ṣalāh*, b. *shuhūd al-nisāʾ al-jamāʿah*; Ibn Abī Shaybah, *al-Muṣannaf, al-Ṣalāh*, b. *fī al-rajul yaʾummu al-nisāʾ*.

2 Ibn Ḥazm is rebutting the view that elderly women may go to the mosques, but young women not. The Prophet, upon him be peace, made no distinction between young and old women in this regard. Rather, it is known that he encouraged even the young girls to attend the *ʿīd*s. Similarly, the caliphs after him never stopped young women from going to the mosque.

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Questions about the rights of women, and the evident injustices in Islamic societies of arrangements that claim to rest on the authority of the religion, are not only a 'modern' concern. The same questions can be, and were, asked from within the religion, and on its behalf. An example of that is the right of women to attend the congregational prayers in the mosques, and what right (if any) others have to forbid them from doing so.

ʿAlī ibn Ḥazm (d. 456/1064), the great Andalusian jurist, poet, and intellectual champion of the Ẓāhirī school, discussed this issue comprehensively in his *Muḥalla.* In the text translated here, he asks and (after weighing the evidence, answers) the following questions:

> *Is it lawful for women to attend congregational prayers in the mosques?* (Yes.)
> *Is it lawful for others to forbid this if, for some private or public reason, they happen to dislike it or disapprove of it?* (No.)
> *Is the effort of attending the prayers with the congregation in the mosque more worthy for men than women?* (No, it is the same.)
> *Is it lawful only for elderly women to attend the congregational prayers in the mosques?* (No, it is equally lawful for old or young, men or women.)

Mohammad Akram Nadwi's introduction begins with a brief review of Ibn Ḥazm's works and reputation, and ends with a summary of the translated text. The notes identify the ḥadīths that Ibn Ḥazm mentions, and indicate which have been considered by the experts as reliable or unreliable. Readers should be able to judge for themselves the authoritativeness of Ibn Ḥazm's argument, and whether, if their local circumstances permit, to make others aware of it. (Dr. Akram Nadwi is a classically-trained Islamic scholar, active in the Muslim community as writer and teacher. He is the author of several books on ḥadīth, *fiqh*, Arabic grammmar, and Islamic biography; of these, perhaps the best known is *al-Muḥaddithāt: the Women Scholars in Islam* (Oxford, [2007] 2013.)

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